

## Chapter 110

### **SUBDIVISIONS and OTHER LAND DIVISIONS<sup>1</sup>**

#### **Article I. In General**

Sec. 110-1. Intent and purpose of chapter.  
Sec. 110-2. Definitions.  
Sec. 110-3. Compliance with chapter.  
Sec. 110-4. Exceptions.  
Secs. 110-5--110-30. Reserved.

#### **Article II. Administration and Enforcement**

##### Division 1. Generally

Sec. 110-31. Penalty.  
Sec. 110-32. Land divider's agreements.  
Secs. 110-33--110-50. Reserved.

##### Division 2. Variances

Sec. 110-51. Authorized; restrictions.  
Secs. 110-52--110-80. Reserved.

#### **Article III. Plats**

##### Division 1. Generally

Sec. 110-81. Preapplication conference.  
Sec. 110-82. Form of preliminary application.  
Sec. 110-83. Attachments to preliminary application.  
Sec. 110-84. Land divisions created by successive divisions.  
Secs. 110-85--110-100. Reserved.

##### Division 2. Preliminary Plat

Sec. 110-101. Contents.  
Sec. 110-102. Preliminary review.  
Sec. 110-103. Action by council.  
Sec. 110-104. Effect of approval.  
Secs. 110-105--110-120. Reserved.

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<sup>1</sup> **Cross references:** Buildings and building regulations, ch. 18; flood area zoning, ch. 54; planning, ch. 94; streets, sidewalks and other public places, ch. 106; utilities, ch. 126; zoning, ch. 130; manufactured homes and trailers, § 130-1241.

### Division 3. Final Plat

- Sec. 110-121. Time limit for submission; referral to plan commission.
- Sec. 110-122. Attachments; developer's letter of credit.
- Sec. 110-123. Review by plan commission.
- Sec. 110-124. Action by council.
- Sec. 110-125. Inscription of approval.
- Secs. 110-126--110-150. Reserved.

## **Article IV. Design and Layout Standards**

- Sec. 110-151. Applicability of article.
- Sec. 110-152. Streets generally.
- Sec. 110-153. Minimum roadway design standards.
- Sec. 110-154. Intersections.
- Sec. 110-155. Alleys.
- Sec. 110-156. Easements.
- Sec. 110-157. Blocks.
- Sec. 110-158. Lots.
- Sec. 110-159. Coordination of street layout with streets in adjoining tracts.
- Sec. 110-160. Sidewalks.
- Sec. 110-161. Erosion control.
- Sec. 110-162. Intra-block drainage.
- Sec. 110-163. Regional stormwater management.
- Secs. 110-164--110-190. Reserved.

## **Article V. Required Improvements and Dedications**

- Sec. 110-191. Adequate public facilities required.
- Sec. 110-192. Dedications and reservations of land.
- Sec. 110-193. Public improvements.
- Sec. 110-194. Issuance of building permits prior to completion of improvements.
- Secs. 110-195--110-220. Reserved.

## **Article VI. Environmental Considerations**

- Sec. 110-221. Land unsuitable for development.
- Sec. 110-222. Environmental assessment.
- Secs. 110-223--110-229. Reserved.

## **Article VII. Land Divisions in the City's Long-Range Growth Boundary**

- Sec. 110-230. Land Divisions in the City's Long-Range Growth Boundary

## ARTICLE I. IN GENERAL

### Sec. 110-1. Intent and purpose of chapter.

This chapter is intended to guide the development of land within the corporate limits and extraterritorial plat approval jurisdiction of the city in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve prime agricultural land and the value of buildings placed upon land by:

- (1) Furthering the orderly layout and use of land.
- (2) Ensuring proper legal description and proper monumenting of land.
- (3) Preventing overcrowding of land and avoiding undue concentration of population.
- (4) Lessening congestion in the streets and highways.
- (5) Securing safety and protecting publicly and privately owned structures from fire, panic, flooding and other dangers.
- (6) Providing adequate light and air.
- (7) Facilitating adequate provision for transportation (including motor vehicle, bicycle and pedestrian transportation), water, sewerage, schools, parks, playgrounds, open space, stormwater drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements.
- (8) Facilitating further resubdivision of larger parcels into appropriate smaller parcels of land.
- (9) Ensuring enforcement of the development concepts and standards delineated in the city's comprehensive plan, official map and chapters 18 and 130, including the prevention of locating incompatible land uses adjacent to each other.
- (10) Minimizing the public costs of providing necessary services to the people who will live or work in the new development.

(Code 1986, § 18.01, Ord. 2005-27)

### Sec. 110-2. Definitions.<sup>2</sup>

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Certified survey map* means a map of a land division which is not a subdivision, including a map that combines a greater number of existing parcels into a lesser number of parcels.

*Condominium plat* means a plat of a condominium as defined in Wis. Stats. § 703.04(2).

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<sup>2</sup> **Cross references:** Definitions generally, § 1-2.

*Developer* and *divider* mean any person requesting review or approval of a proposed certified survey map, subdivision plat or condominium plat.

*Extraterritorial plan approval jurisdiction* means the jurisdiction of the city beyond its corporate limits as defined in Wis. Stats. § 236.02(5). As of the date of enactment of the ordinance from which this chapter is derived, such jurisdiction extended 1 1/2 miles from the city limits.

*Final plat* means a map or plan of a subdivision prepared for recording and any accompanying material as required by Wis. Stats. ch. 236, or a map or plan of a condominium and any accompanying material as required by Wis. Stats. ch. 703.

*Land division* means the division of a lot, parcel, tract or interest in land by the owner or owner's agent for the purpose of transfer of ownership or building development or which creates the need for a public dedication or reservation of land or for public facilities or improvements. For purposes of compliance with this chapter other than survey requirements, land division includes condominium plats.

*Major street* means any street designated as an arterial or collector on the city master plan.

*Parcel* means contiguous land under the control of a divider, not separated by streets, highways or railroad rights-of-way.

*Plat* means a map of a subdivision or a condominium.

*Preliminary plat or map* means a map delineating the salient features of a proposed land division submitted to the city clerk for preliminary consideration and review by the plan commission and city council.

*Redivide, replat* and *resubdivide* mean the process of changing the boundaries of a recorded certified survey map, plat, lot or outlot within a recorded plat or certified survey map. The legal division of a larger block, lot or outlot within a recorded plat without changing the exterior boundaries of such block, lot or outlot is not a replat or resubdivision, but is a land division, subdivision or condominium plat if it falls within the definition of the term "condominium plat," "land division" or "subdivision."

*Street* means a public way for vehicular and pedestrian traffic, however designated, and includes, without limitation because of enumeration, a street, highway, thoroughfare, parkway or throughway.

*Subdivision* means a land division which creates five or more parcels or building sites, or successive land divisions which create five or more parcels or building sites within a period of five years.

(Code 1986, § 18.02, Ord. 2005-27)

**Sec. 110-3. Compliance with chapter.**

(a) *Generally.* Except as specifically provided in sections 110-4, 110-31 and 110-32, no person shall divide, redivide, subdivide, file or record a plat or replat or resubdivide land within the city or its extraterritorial plat approval jurisdiction without complying with the applicable provisions of Wis. Stats. chs. 236 and 703, which are incorporated in this chapter as if fully set forth, all applicable city ordinances, including the city master plan, official map, chapters 18 and 130, and all applicable ordinances of other municipalities having jurisdiction over the area and the applicable rules and regulations of the state departments of transportation, natural resources and workforce development relating to safety of access to state trunk highways and connecting streets, plumbing or sanitary sewer facilities and land divisions adjacent to public waters.

(b) *Survey requirements.* Except when a variance is granted under section 110-51, land divisions shall comply with the survey requirements of Wis. Stats. § 236.34 relating to certified survey maps, or of Wis. Stats. § 703.11 relating to condominium plats, as applicable. Subdivision plats shall comply with all of the requirements of Wis. Stats. ch. 236, including survey requirements.

(c) *Number of principal structures on lot; condominiums.* No person shall construct more than one principal structure on a lot, except as permitted under section 130-675(1) or chapter 30, article VIII, division 18. No person shall record a condominium plat, an amendment to a condominium plat or a declaration of condominium as defined in Wis. Stats. ch. 703 without first complying with the provisions of this chapter. It shall not be necessary to file or record a separate certified survey map or subdivision plat for a condominium development which complies with this chapter, Wis. Stats. ch. 703, and chapters 18 and 130 if such condominium development does not involve the division of a lot, parcel or tract of land.  
(Code 1986, § 18.03)

**Sec. 110-4. Exceptions.**

The following are not subject to the provisions of this chapter, insofar as this chapter may apply to divisions of less than five parcels:

- (1) Transfers by will or pursuant to city order.
- (2) Leases for a term of ten years or less.
- (3) Mortgages.
- (4) Easements.
- (5) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Wis. Stats. ch. 236, this chapter or chapters 18 and 130.

(Code 1986, § 18.30)

**Secs. 110-5--110-30. Reserved.**

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT<sup>3</sup>

### DIVISION 1. GENERALLY

#### **Sec. 110-31. Penalty.**

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to section 1-11.

(Code 1986, § 18.33)

#### **Sec. 110-32. Land divider's agreements.**

(a) *Generally.* Developers shall reimburse the city for all administrative, planning, engineering and legal service costs incurred in map or plat review and shall execute the agreements and file the securities required in this section. This section shall not apply to an application for approval of a plat or map of territory located outside of the city limits but within the area of the city's jurisdiction to review and approve extraterritorial land divisions.

(b) *Preliminary land divider's agreement.*

(1) *Execution and contents.* At the time of filing a preliminary application under section 110-82, the developer shall execute for the benefit of the city an agreement agreeing to pay and providing adequate security guaranteeing payment of the cost of review of the preliminary application and the final plat or map by the plan commission and council, including, without being limited by enumeration, legal, engineering, planning and general administrative costs.

(2) *Evidence of agreement.* No preliminary application shall be processed by the city until a preliminary land divider's agreement is executed and filed with the city clerk and the required security, approved by the city administrator or his or her designee, is provided.

(3) *Adoption of model agreement.* The council may from time to time adopt a model preliminary developer's agreement. A copy of the model agreement shall be kept on file in the office of the city clerk.

(c) *Final land divider's agreement.*

(1) *Execution and contents.* At the time of submission of the final map or plat under section 110-121, the developer shall execute a final developer's agreement agreeing to pay and providing adequate security guaranteeing payment to the city of the costs of required public improvements described in section 110-193, including, without limitation by enumeration, the legal, engineering, general administrative and construction costs.

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<sup>3</sup> **Cross references:** Administration, ch. 2.

(2) *Utility easement policy.* Before any development or subdivision is given approval by the city, any utility easements required by the municipal services department shall be shown on a land division map and copies given to the municipal services department for review. The municipal services department will sign the copies of the land division map to show its approval and return copies to the developer and to the plan commission. Until signed copies are returned from the municipal services department, there is no approval. The certified survey map is to show all easements as approved on the land division map and a copy of the certified survey maps supplied to the municipal services department as soon as it is recorded. Should any changes be made by the developer, engineer or city, this entire process shall start over. Any and all costs involved shall be paid by the developer. The municipal services department shall be contacted directly by the developer to be given any and all needed forms, paperwork, and drawings for review. Signed copies will be returned to the developer, which will constitute receipt by water and light department. Should any changes be made by the developer, engineer or city, this entire process shall start over. Any and all costs involved shall be paid by the developer.

(3) *Evidence of agreement.* No final map or plat shall be reviewed or processed until the city clerk states on the face of the proposed final map or plat that the contract required by this section has been executed and the required security provided.

(4) *Adoption of model agreement.* The council may from time to time adopt a model final land divider's agreement. A copy of the model agreement shall be kept on file in the office of the city clerk.

(Code 1986, § 18.08, Ord. 2005-27, Ord. 2014-02)

**Secs. 110-33--110-50. Reserved.**

## DIVISION 2. VARIANCES

### **Sec. 110-51. Authorized; restrictions.**

When in the judgment of the city council it would be inappropriate to apply literally a provision of this chapter because the development is located outside the corporate limits or because extraordinary hardship would result, it may waive or vary such provision so that substantial justice may be done and the public interest secured, provided the requirement of filing and recording of a subdivision or condominium plat or certified survey map shall not be waived.

(Code 1986, § 18.31)

**Secs. 110-52--110-80. Reserved.**

## **ARTICLE III. PLATS**

### **DIVISION 1. GENERALLY**

#### **Sec. 110-81. Preapplication conference.**

Prior to filing of an application for approval of a preliminary plat or certified survey map, the land divider shall consult with the city administrator, zoning administrator, and superintendent of municipal services and may consult with the municipal services committee and plan commission for advice and assistance. A preliminary plat or map shall not be submitted for review at the preapplication conferences, but the developer shall present a general development plan of the total undeveloped land area which he owns or controls for development purposes, showing approximate locations of all existing or proposed public streets and approximate lot sizes on a topographical map drawn to the scale of one inch equals 100 feet with contours at intervals of two feet. If the proposed development was included on a previously submitted general development plan, part of which has been recorded as a final subdivision plat or certified survey map, the development map shall designate the areas so approved and identify any changes in street or lot sizes or locations made necessary or desirable by such changes. This step does not require formal application, a fee or filing of a plat or map, but is intended to inform the subdivider of the objectives of this chapter and the master plan and official map and to assist the city and the land divider to informally reach mutually satisfactory conclusions regarding the general program and objectives of development of the entire area owned or controlled by the applicant. This section shall not apply to an application for approval of a plat or map of territory located outside of the city limits but within the area of the city's jurisdiction to review and approve extraterritorial land divisions.

(Code 1986, § 18.15, Ord. 2005-27, Ord. 2009-05, Ord. 2014-02)

#### **Sec. 110-82. Form of preliminary application.**

Before filing an application for approval of a final subdivision plat or certified survey map, the owner or the owner's agent shall file with the city clerk an application clearly marked "Preliminary Certified Survey Map" or "Preliminary Plat." The application shall be made on official forms available at the city clerk's office and shall include all land which the applicant proposes to divide and the name and address of the owner. The application shall be accompanied by a minimum of ten copies of the proposed preliminary plat or map prepared by a licensed land surveyor at a convenient scale of not more than one inch equals 100 feet. Plats or maps shall be numbered in sequence if more than one sheet is used. At the time of submission of the application, the applicant shall pay a fee in the amount that the city council shall establish and may from time to time modify by resolution, as set forth in appendix A. This section shall not apply to an application for approval of a plat or map of territory located outside of the city limits but within the area of the city's jurisdiction to review and approve extraterritorial land divisions.

(Code 1986, § 18.16, Ord. 2005-27)

#### **Sec. 110-83. Attachments to preliminary application.**

(A) In addition to the plat or map described in section 110-82, the following attachments shall accompany the preliminary application:

- (1) The environmental assessment checklist. See section 110-222.



(2) A list of development projects for which the applicant has received approval in the last five years and any outstanding obligations on such projects (subdivisions and condominiums only).

(3) The preliminary land divider's agreement. See section 110-32(b).

(4) The overall development plan if required under section 110-223.

(5) A traffic impact report if required under section 110-106.

(B) This section shall not apply to an application for approval of a plat or map of territory located outside of the city limits but within the area of the city's jurisdiction to review and approve extraterritorial land divisions.

(Code 1986, § 18.17(2); Ord. No. 2003-12, § 1, 10-14-2003, Ord. 2005-27, Ord. 2006-31)

#### **Sec. 110-84. Land divisions created by successive divisions.**

When it is not practicable to require that a final plat or map of a land division created by successive divisions be filed in accordance with this chapter, the city council may, in lieu thereof, order an assessor's plat to be made under Wis. Stats. § 70.27, and may assess the cost thereof as provided in such section or to the divider. Any such land division by assessor's plat shall comply with all provisions of this chapter to the extent that they may reasonably be applied. (Code 1986, § 18.32)

#### **Secs. 110-85--110-100. Reserved.**

### **DIVISION 2. PRELIMINARY PLAT**

#### **Sec. 110-101. Preliminary Plat.**

(A) Contents. The preliminary certified survey map or subdivision plat shall include, at a minimum, the following information:

(1) Location of the property and adjacent properties, with street addresses and current and proposed zoning.

(2) Names and approximate location and width of all existing adjoining streets.

(3) Location and dimension of all boundary lines of the property, expressed in feet.

(4) Two-foot contour intervals (subdivision plats).

(5) Existing easements, water bodies, regional floodplain, wetlands, railroads, cemeteries, drainage ditches, bridges, rock outcroppings, areas in excess of 20 percent slope and other information required by the plan commission or its designee.

(6) Approximate location and width of all proposed streets, alleys and other public ways and proposed street rights-of-way, including proposed names.

(7) Approximate location of existing buildings.

(8) Approximate location, dimensions and areas of all proposed or existing lots and outlets. All lots and blocks shall be numbered for reference.

(9) Approximate location and dimensions of all property proposed to be set aside for park or playground use or other public or private reservation.

(10) The location of proposed easements for utilities, drainageways, pedestrian ways, etc.

(11) Name and address of the owner of land to be divided, the name and address of the developer if other than the owner, and the name, address and telephone number of the land surveyor.

(12) Proposed name of the land division and signature of the owner or agent.

(13) Date of the map or preliminary plat, scale and north arrow.

(14) Name and location of any existing or proposed lake, pond or stream.

(15) Proposed use of lots other than single-family residential use.

(B) Preparation. A land use planner, professional engineer, or professional land surveyor shall prepare the preliminary certified survey map or subdivision plat.

(C) Format. The preliminary plat shall be prepared according to the following format:

(1) The sheet plan size shall be 24 inches by 36 inches or 18 inches by 24 inches (overall dimensions) with a 1 ½ inch margin on the binding (left) side and ½ inch margins on the other sides.

(2) Where multiple sheets are used, a cover sheet with index shall be included and each sheet shall show the number of that sheet and the total number of sheets included.

(3) The plat shall be legible showing all required information.

(4) The plat shall be prepared using a scale necessary to show the required information. In most cases, a scale of 1 inch equal to 50 feet is appropriate.

(Code 1986, § 18.17(1), Ord. 2005-27)

#### **Sec. 110-102. Preliminary review.**

(a) *Determination of completeness.* Upon receiving an application, the city clerk shall immediately forward a copy of the application, including the plat or map, to the zoning administrator who shall determine if the application is complete or incomplete. If the application is deemed incomplete, the zoning administrator shall notify the applicant of the deficiencies and the applicant has six (6) months to submit the missing information to the zoning administrator or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied.

(b) *Referrals.* Upon a determination of completeness, the zoning administrator shall immediately forward a copy of the application and plat or map to the municipal services committee, the city administrator, the city engineer, the superintendent of municipal services and other appropriate city departments, officers and agents. The application shall be referred first to the municipal services committee, unless it is an extra-territorial plat or map, and then to the plan commission for review and recommendation to the city council.

(c) *Recommendations by reviewing officials.* If the preliminary plat or map is submitted on or before the first Monday of a month (or the first Tuesday of a month in which the first Monday is a holiday) and determined to be complete, the municipal services committee will review the preliminary application at its regular meeting in such

month, or else the committee will review the preliminary application at its subsequent regular meeting. Before such regular meeting of the municipal services committee, the reviewing officials shall review the proposed development with the applicant and be prepared to provide information and advice to the municipal services committee or plan commission as appropriate. Among the issues the reviewing officials and municipal services committee shall analyze is (1) whether existing municipal utility infrastructure can be extended to serve the subject property or additional utility infrastructure, such as a sanitary sewer lift station, must be upgraded or constructed, (2) the extent to which the plat or map allows for street access and, if appropriate, utility service to be extended in the future to any adjacent, undeveloped properties, and (3) the extent to which the plat or map adequately addresses regional storm water management.

- (d) *Municipal services committee and plan commission recommendation to council.* The municipal services committee and plan commission shall review the preliminary application, obtain input from the reviewing officials, and recommend approval, conditional approval or denial to the council. After the mailing and publication of the notice under paragraph (d) and before making its recommendation to the council, the plan commission shall hold a public hearing on the preliminary application.
- (e) *Property owner notification.* Except for extraterritorial land division reviews, the zoning administrator shall, at least ten days before the public hearing, mail notices to owners of all property within the city that is within 250 feet and to the clerk of any town or municipality that is within 250 feet of the perimeter of the proposed subdivision or certified survey map. Failure to mail such notices, provided it is unintentional, shall not invalidate proceedings under this section.
- (f) *Notice of public hearing.* Except for extraterritorial land division reviews, the zoning administrator shall publish a notice of public hearing regarding a preliminary application that meets all of the notice requirements for an application to amend the official zoning map and/or zoning classification.
- (g) *General basis for plan commission's recommendation and city council's decision.* The plan commission's recommendation and the city council's decision to approve, conditionally approve, or deny an application shall be based on whether the application, preliminary plat, environmental assessment and public hearing, plan commission recommendation, if applicable, or additional information demonstrates that the proposed land division meets the following objectives:
  - 1. Compliance with the standards of this chapter and the Wisconsin Statutes 236.45(1);
  - 2. Consistent with the city's zoning regulations;
  - 3. Consistent with the city's comprehensive plan;

4. Consistent with the city's official map;
  5. Consistent with the city's floodplain management regulations;
  6. Consistent with any adopted neighborhood or small-area plan applicable to the territory of the land division;
  7. Consistent with any covenants on the territory of the land division; and
  8. In the public interest.
- (h) *Review criteria.* To determine whether the proposal would be in the public interest, the plan commission and city council shall weigh and make findings regarding each of the following criteria:
1. Effects on local services, including: public road system, police and fire protection, utilities, and public schools;
  2. Effects on the natural environment, including: riparian/wetland areas, soil erosion, vegetation and air pollution;
  3. Effects on wildlife and wildlife habitat, including fisheries and mammals; and
  4. Effects on public health and safety, including police and fire protection, traffic safety, and the presence of other known hazards (on-site and off-site) such as high-pressure natural gas lines, airports, railroads, overhead power lines, industrial activities, and nonmetallic mining activities.
- (i) *Mitigation of negative effects of land division.* The city council may, as a condition of approval, require the applicant to mitigate potentially adverse impacts. An unmitigated adverse impact of a proposed land division may be grounds to deny approval of such land division. Conditions to minimize identified adverse impacts may include the following:
1. Reduce the number of lots to allow an acceptable amount of impact,
  2. Reduce the territory included in the land division to allow an acceptable amount of impact;
  3. Relocate or redesign a street(s),
  4. Reconfigure a lot line(s),
  5. Relocate or redesign an access point(s),
  6. Redesign other elements as appropriate,

7. Require the applicant to pay for the construction of appropriate infrastructure (on- and off-site) or acquisition of municipal equipment to support the development, and
8. Other actions as appropriate.

(Code 1986, § 18.18, Ord. 2005-27, Ord. 2009-05, Ord. 2014-02)

**Sec. 110-103. Action by council.**

- (a) *Time for deciding preliminary application.* After reviewing the recommendations of the municipal services committee and plan commission and any negotiations by the city administrator or the city administrator's designee with the developer on changes deemed advisable and the kind and extent of public improvements, facilities or dedications which will be required, the council shall, within 90 days of the date on which the zoning administrator determines that a complete application has been submitted, approve, approve conditionally or reject the plat or map.
- (b) *Content of Approval or Conditional Approval.* If the preliminary plat or map is approved, the zoning administrator shall prepare for the mayor's signature a decision letter that shall include, at a minimum, the following information:
  1. A statement that the preliminary plat or map is approved or conditionally approved;
  2. The date on which the zoning administrator determined that a complete application had been submitted;
  3. A description of the project, including acreage and number of lots;
  4. A statement of the conditions on approval of the plat or map, if any;
  5. Findings for the public interest assessment and any findings that support the required mitigation;
  6. Findings stating the consistency of the plat or map with the city's comprehensive plan, official map, floodplain management regulations, neighborhood or small-area plans, zoning, and covenants, if any;
  7. A statement of the deadline for submitting the final plat or map and the consequences of failing to meet such deadline;
  8. A list of all materials that must be submitted for review of the final plat or map.

9. Specifications for the final plat or map, including any requirements for the survey in a digital format;
  10. A list of special features/statements, if any, that must be shown on the face of the final plat or map;
  11. The amount, if any, of parkland being dedicated to the city;
  12. The procedures and requirements when there is a deviation from the approved plat or map;
  13. The procedure for filing the final plat or map;
  14. A statement specifying under what conditions the city council may withdraw its approval;
  15. A statement that amendments to this chapter enacted after the approval of the plat or map shall not affect the approval and that no additional conditions shall be imposed as a prerequisite to approval of the final plat or map;
  16. A statement that the city's decision to approve the final plat or map may be appealed to a court of competent jurisdiction;
  17. The date of the decision;
  18. A signature block for the mayor.
- (c) *Content of Denial.* If approval of a preliminary plat or map is denied, the zoning administrator shall prepare for the mayor's signature a decision letter that shall include the following information:
1. A statement that approval of the preliminary plat or map is denied;
  2. The date on which the zoning administrator determined that a complete application had been submitted;
  2. A description of the project, including acreage and number of lots;
  3. Findings for the public interest assessment that support the decision;
  4. Findings regarding the consistency or inconsistency of the project with the city's comprehensive plan, neighborhood or small-area plans, zoning, and covenants, if any;
  5. Deficiencies in the proposal;

6. A statement that the denial does not limit the applicant's ability to resubmit a revised application for consideration;
7. A statement that the city's decision may be appealed to a court of competent jurisdiction;
8. The date of the decision;
9. A signature block for the mayor.

(Code 1986, § 18.19, Ord. 2005-27, Ord. 2009-05, Ord. 2014-02)

**Sec. 110-104. Effect of approval.**

Preliminary plat or map approval shall entitle the developer to approval of the final plat or map if it conforms substantially to the approved preliminary plat or map or approved portion thereof, all conditions of approval have been met and all applicable laws, ordinances and regulations are complied with.

(Code 1986, § 18.20)

**Sec. 110-105. Overall development plan.**

When a proposed land division does not cover the entire parcel and the remainder has development potential, the applicant shall prepare and submit an overall development plan for the entire parcel as an attachment to the preliminary land division application. The submittal of an overall development plan does not bind future development of the remainder. The purpose of the overall development plan is to provide sufficient information to ensure that the development of the entire property will be coordinated and well conceived.

(Ord. 2005-27)

**Sec. 110-106. Traffic impact report.**

- (a) *When required.* A traffic impact report shall be prepared when the number of trips per day of the proposed development at build-out is 750 or more. When the number of trips is 300 or more but less than 750, the city may require a traffic impact report when circumstances warrant such review.
- (b) *Preparation.* When a traffic impact report is required, the applicant shall hire an engineer as approved by the city to prepare the report. The approved engineer shall have expertise in transportation planning.
- (c) *Trip generation rates.* Trip generation rates for various land uses shall be based on the manual entitled "Trip Generation" (latest edition) published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if it can be shown that the alternative source better reflects local conditions.
- (d) *Form and content.* The traffic impact report shall be in written form along with supporting maps and other information as appropriate. At a minimum, the report shall include the following elements:
  - (1) existing traffic circulation conditions and patterns

- (2) anticipated traffic circulation conditions and patterns, including truck movements
- (3) effects of the project on traffic safety and efficiency
- (4) recommendations/alternatives to alleviate negative effects
- (5) an executive summary

(Ord. 2006-31)

**Secs. 110-107--110-120. Reserved.**

### DIVISION 3. FINAL PLAT

**Sec. 110-121. Time limit for submission; referral to plan commission.**

The final plat or certified survey map and such copies as shall be required shall be submitted to the city clerk within six months of approval of the preliminary plat or map. However, if approval of the preliminary map or plat must be obtained from another approving authority subsequent to preliminary approval by the city, the final map or plat shall be submitted within six months of such approval. The council may waive failure to comply with this requirement. The clerk shall immediately refer the final plat or map to the plan commission.

(Code 1986, § 18.21(1))

**Sec. 110-122. Attachments; developer's letter of credit.**

(a) In addition to the final plat or map, the following attachments shall accompany the final application:

(1) The environmental assessment and supporting or additional data if required by the plan commission pursuant to section 110-222(d).

(2) If the proposed development is not located within the city's urban service area, written approval of the appropriate county authorities for installation of the necessary water and sanitary sewage disposal facilities.

(3) The developer's final agreement. See section 110-32(c).

(4) Any other documents or information required by the plan commission or city council at the time of approval of the preliminary plat or map as a condition of approval of the final plat or map.

(b) The developer shall agree to prepay the engineering, inspection, administration and legal fees and the developer's share of the construction cost of the project by providing an irrevocable letter of credit for an amount equal to 100 percent of the estimated cost of the developer's share of the required improvements as determined by the city engineer. This letter of credit shall permit the city to draw thereon upon the signature of the city mayor and the city clerk only if a developer fails to make payment to the city or contractor as specified in the land divider's final agreement, and shall be approved by the city attorney. The letter of credit shall not be drawn on



by the developer during the course of construction. The letter of credit shall be in effect for one year after the acceptance of the project or whenever the developer can prove that all contractors, material suppliers and landowners have been paid in full and upon acceptance of the project to turn ownership and control of the improvements over to the city. The irrevocable letter of credit shall be in place before the developer embarks on any land disturbing activities. The developer shall provide the city with a list of all of its contractors at the construction drawing phase and shall update the list at the time of the release of the letter of credit.  
(Code 1986, § 18.21(2); Ord. No. 2003-12, § 2, 10-14-2003)

**Sec. 110-123. Review by plan commission.**

The plan commission shall review the final plat or map and report its recommendations to the council within 40 days of its submission.  
(Code 1986, § 18.21(3))

**Sec. 110-124. Action by council.**

- (a) If public improvements, such as streets, sidewalks, sanitary sewers, water mains, or storm sewers will be constructed and dedicated to the city within the territory of the land division, the city council shall take no action on a final plat or map until the city engineer has approved or approved with conditions the construction plans for the subdivision or development. The city engineer shall submit a letter to the subdivider or developer and city clerk indicating the engineer's approval, approval with conditions, or disapproval of the construction plans, and if disapproved the reasons for such disapproval, with 30 days of receiving the construction plans from the subdivider or developer.
- (b) If the city engineer approves or approves with conditions the construction plans or the city engineer's approval is not required because public improvements will not be constructed and dedicated to the city within the territory of the land division, the council shall approve or reject the final plat or map within 60 days of submission of the city engineer's letter or the date on which the zoning administrator determines that a complete application has been submitted, whichever is later, unless the time is extended by agreement with the subdivider or developer. Reasons for rejection shall be stated in the minutes of the council meeting and a copy thereof or a written statement of such reasons shall be given to the subdivider or developer.

(Code 1986, § 18.21(4), Ord. 2005-27, Ord. 2009-05)

**Sec. 110-125. Inscription of approval.**

If the original of the final subdivision plat or certified survey map has been filed with another approving authority, the divider may file a true copy of such land division in lieu of the original. However, before approval of the council will be inscribed on the original of the final plat or map, the surveyor or the developer shall certify the respects in which the original of the final land division differs from the true copy, and all modifications must be first approved by the city council. Any additional security required by the council shall be posted prior to inscribing of approval by the city clerk. When the final plat or map has been approved by the council and all

conditions imposed under this chapter have been met, the city clerk shall inscribe the city's approval on the final plat or map or true copy thereof.  
(Code 1986, § 18.22)

**Sec. 110-126. Appeal.**

The applicant or an aggrieved person may appeal a final decision made pursuant to this chapter by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

(Ord. 2005-27)

**Sec. 110-127. Payment of real estate taxes required before recording a certified survey map.**

Prior to recording a certified survey map with the Rock County register of deeds, the county treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the certified survey map.

(Ord. 2006-43)

**Secs. 110-128--110-150. Reserved.**

## **ARTICLE IV. DESIGN AND LAYOUT STANDARDS**

**Sec. 110-151. Applicability of article and design principles.**

- (a) *Applicability of article.* Except when a variance is granted in accordance with section 110-51, the design and layout standards set forth in this section shall apply to all land divisions, whether accompanied by plat or certified survey map.
- (b) *General design principles.* Land divisions shall be designed to avoid adverse impacts. If avoidance of an adverse impact is not possible, then such adverse impact shall be minimized to an acceptable level, if possible, and mitigated as appropriate. An unmitigated adverse impact of a proposed land division may be grounds to deny approval of such land division.
- (c) *Building sites.* Each buildable parcel shall include a satisfactory building site, which is properly related to topography and shall, to the extent possible, preserve the natural terrain, natural drainage, existing trees, and other existing vegetation. Lots not intended for building purposes shall be noted on the face of the plat or map along with the intended use.
- (d) *Design objectives.* Land divisions shall be designed to attain the following objectives:
  - 1. Minimize the amount of impervious surface;

2. Preserve the character of the surrounding area;
3. Preserve natural features, including wetlands, riparian habitat, and drainage ways;
4. Promote a walkable and bicycle-friendly community;
5. Create street continuity and an interconnected street network;
6. If the land division will include residential development, accommodate the housing needs of current and potential city residents by providing a variety of housing options, and include space for neighborhood-scale commercial development;
7. Include passive, traffic-calming features;
8. Promote other purposes in the city's comprehensive plan;
9. Promote other purposes in any approved neighborhood or small-area plan.

(Code 1986, § 18.10, Ord. 2005-27)

**Sec. 110-152. Streets generally.**

(a) *General layout.* Streets shall be designed and located in relation to existing and planned streets, topographical conditions and natural terrain features, such as streams and existing tree growth, public convenience and safety, and shall be appropriate for the proposed uses of the land to be served.

(b) *Width.* All streets shall be dedicated as shown on the official map. Existing public roads shall be considered as local streets with a street right-of-way of 66 feet and a half width of 33 feet. Half width dedication shall only be used when a land division abuts an existing public street that is not indicated as a collector or arterial. Table I in section 110-153 details minimum roadway design standards.

(c) *Additional right-of-way on existing streets.* Developments that adjoin existing streets that have a right-of-way of less than the minimum standard of the roadway as classified in the master plan and official map shall dedicate additional rights-of-way to meet those minimum standards.

(d) *Temporary turnarounds.* Where a street is terminated temporarily at the edge of a development and the street is longer than 240 feet or two lot widths, a temporary turnaround shall be provided by one of the following methods:

- (1) If the adjacent land is owned by the subdivider, a temporary turnaround can be provided through a restriction (temporary easement) on such land. Such a turnaround shall be constructed to city standards.

(2) The subdivider may provide the required turnaround on one of the last lots fronting on the temporary dead-end street through use of a temporary easement running to the city. Such a turnaround shall be constructed to city standards.

(e) [No change to the text of this paragraph.]

(f) All streets shall be dedicated as shown on the official map. Existing public roads shall be considered as local streets with right-of-way of 66 feet and half width of 33 feet. Half width dedication shall only be used when a land division abuts an existing public street that is not indicated as a collector or arterial in the comprehensive plan. Table I in section 110-153 details minimum roadway design standards, except that upon request of the subdivider or developer, the plan commission may permit a narrower pavement width on a two-way local street.

(Code 1986, § 18.10(1), Ord. 2005-27)

# Sec. 110-153. Minimum roadway design standards.

Minimum roadway design standards are as follows:

TABLE I. MINIMUM ROADWAY DESIGN STANDARDS

Roadway Type	Standard Description																			
											Cul-de-Sac				Temporary Dead End <sup>4</sup>					
	Arterial	Collector <sup>2</sup>	Local <sup>1</sup>	One Way	Alley	ROW (Ft.)	Pavement Width E-E <sup>1</sup> (Ft.)	Lane Width (Ft.)	Parking (Sides)	Sidewalks (Sides) <sup>5</sup>	Min. Return Radius (Ft.)	Min. Radius (Ft.)	Min. Reverse Curve Tang. (Ft.)	Max Grade <sup>3</sup>	Max Length (Ft.)	ROW (Ft.)	Dis. (Ft.)	Pavement Width E-E <sup>1</sup> (Ft.)	Max. Length (Ft.)	Pavement Width E-E (Ft.)
	100	80	66	48	24	10	48	12	--	2	30	450	150	6%	--	--	--	--	1,000	44

1. Pavement width without curb and gutter (edge of pavement to edge of pavement).
2. If a vertical curve is under 500 feet radius, the maximum grade allowed is five percent minus 0.5 percent for each 50 feet of radius under 500 feet.
3. Minimum street grade 0.5 percent; shall not exceed standards, unless necessitated by topography and approved by the city council upon recommendation by the city engineer.
4. "T" type turnaround may be used. Turnarounds shall extend a minimum of 20 feet behind the back of the curb on the permanent street and be 20 feet wide. Turnarounds shall be paved.
5. The requirements for existing developments do not apply to one-way streets, listed under Sec. 122-63 (b), when the existing right-of-way is less than 30 feet in width. The City Engineer shall determine the side of the street for construction of sidewalk.

(Code 1986, ch. 18, table I, Ord. 2005-2, Ord. 2016-03)

**Sec. 110-154. Intersections.**

(a) *Alignment of streets.* Streets shall have continuous alignment at intersections, and street jogs or off-center intersections shall be avoided. Street jogs with centerline offsets of less than 150 feet shall not be allowed. On collectors and arterials, offsets of less than 600 feet shall not be allowed.

(b) *Angle of intersection.* Streets shall intersect as nearly as possible at right angles. No street shall intersect another street at less than an 80-degree angle.

(c) *Two-street maximum.* No more than two streets shall intersect at one point, unless approved by the city council subject to a fee established and from time to time amended by resolution, as set forth in appendix A.

(Code 1986, § 18.10(2), Ord. 2005-27)

**Sec. 110-155. Alleys.**

Alleys shall be continuous through blocks. Alleys in residential areas shall not be maintained by the city, unless the city agrees to do so in a written agreement approved by the city council.

(Code 1986, § 18.10(3))

**Sec. 110-156. Easements.**

(a) *Location and width of utility easements.* When necessary, easements for the installation of utilities shall be provided across lots or centered on rear or side lot lines. Easements shall be continuous from block to block. When an easement is centered on a rear or side lot line, the width of the easement in each lot shall be a minimum of eight feet. Easements across lots shall have a minimum width of ten feet.

(b) *Grading of utility easements; disturbing monuments.* Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of the final grade by the subdivider prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities, when installed on utility easements, whether overhead or underground, shall not disturb any monumentation in the plat. In cases where monumentation is disturbed, the utility shall bear the cost of the replacement. Failure to comply will be subject to a penalty as provided in Wis. Stats. § 236.32.

(c) *Plat restriction regarding utility easements.* Where the electric and communications facilities are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six inches by the subdivider or his agent or by subsequent owners of the lots, except with written consent of the utilities involved. The purposes of this restriction shall be to:

- (1) Notify initial and future lot owners of the underground facilities at the time of purchase.

(2) Establish responsibility in the event of damage to such facilities.

(3) Establish the need to alter such facilities. When the utility company uses a service application, such application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

(d) *Drainage and greenway/environmental corridor easements.* Drainage and greenway/environmental corridor easements shall be established where a subdivision is traversed by a waterway, drainageway, channel or stream or mapped greenway/environmental corridor as required by the plan commission conforming substantially with the line of such watercourse. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the plan commission. Parallel streets or parkways may be required. Stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to accommodate the flow resulting from the 100-year rainfall event of any duration, such sizes and design details to be subject to review and approval by the city engineer and the park board.  
(Code 1986, § 18.10(4))

**Sec. 110-157. Blocks.**

(a) *Generally.* Blocks shall be designed based on the following principles:

1. Create street continuity and an interconnected street network;
2. Foster bicycle and pedestrian travel;
3. Assure traffic safety;
4. Accommodate the special needs of the use contemplated; and
5. Take advantage of the opportunities or constraints posed by topography or natural features.

(b) *Single- and double-tier blocks.* Blocks with one tier of lots may be located on the perimeter of the subdivision or within the interior of the subdivision when the backs of such lots abut a green space or similar feature. Elsewhere, blocks shall consist of two tiers of lots.

(c) *Block dimensions.* A double-tier block shall not be longer than 1,500 feet or less than 240 feet between the nearest street right-of-way boundaries, except where necessary due to topography or other natural feature. The length of a single-tier block on the perimeter of the subdivision shall conform to the standards of a double-tier block, except where the street network from a previously developed area cannot be carried over into the proposed land division or when a street from the proposed land division cannot be carried over into the abutting vacant land due to topography and other similar factors. Where the backs of the lots on a single-tier block abut a linear green space that is narrower than three times the average width of the lots in the block, the block length shall not exceed 1,600 linear feet. There is no limitation on the length of

a single-tier block where the backs of the lots on the block abut a non-linear green space (e.g., park, open space).

- (d) *Mid-block sidewalks and paths.* If the length of a double-tier block exceeds 900 feet, the applicant may propose or the city council may require a mid-block sidewalk, paved bicycle/pedestrian path or unpaved pedestrian path within an easement or public right-of-way. The city council may require other mid-block sidewalks, paved bicycle/pedestrian paths or unpaved pedestrian path to provide bicycle/pedestrian access to public amenities, commercial or employment centers, or other areas that would attract bicyclists or pedestrians. If a mid-block sidewalk, paved bicycle/pedestrian path or unpaved pedestrian path crosses a street, the crossing shall be marked with cross walks and warning signs and shall be well lit to provide visibility.
- (e) For purposes of this section, *single-tier block* means a block consisting of a row of lots that does not have another row of lots behind it, and *double-tier block* means a block consisting of two rows of lots back to back.

(Code 1986, § 18.10(5), Ord. 2005-27)

**Sec. 110-158. Lots.**

(a) *Lot design standards.* Lots shall conform to the following standards:

1. No lot shall be divided by another parcel, by a public street right-of-way, or by a private road easement;
2. No lot shall be divided by a municipal boundary;
3. Each lot shall abut a public or private street that meets the standards of this chapter and provides legal and physical access;
4. Side lot lines shall be at substantially right angles to straight road lines and radial to curved road lines;
5. Each lot shall have an area sufficient to meet all design and development standards in this chapter and shall meet the lot size requirements of chapter 130.
6. Flag lots shall be avoided, and under no circumstances shall the stem of the parcel exceed 150 feet. For purposes of this clause, *flag lot* means a lot that consists of a larger area that is of a size and shape typical of a buildable lot and a narrow area protruding from the larger area.
7. Double-frontage lots may only be used to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography or orientation. Physical and legal access to a double-frontage lot shall



only be provided off of the street with the least traffic-intensive street classification.

- (b) *Buildable area.* Each lot intended to accommodate a building shall contain a suitable site for the intended use. For a lot intended for a single-family dwelling, the minimum building area is 1,600 square feet configured to accommodate a minimum building footprint of 900 square feet. Lots not intended for building purposes shall be so noted on the face of the plat or map along with the intended use.

(Code 1986, § 18.10(6), Ord. 2005-27)

**Sec. 110-159. Coordination of street layout with streets in adjoining tracts.**

Proposed streets shall be extended to the boundary lines of the tract to be platted or mapped. The arrangement of rights-of-way shall provide for the continuation of existing and proposed streets in adjoining tracts. Temporary culs-de-sac may be utilized if recommended by the plan commission.

(Code 1986, § 18.10(7))

**Sec. 110-160. Sidewalks<sup>4</sup>**

(a) *Required in residential developments and areas.* All public streets in new residential developments and areas shall have sidewalks constructed on both sides of the street.

(b) *Reserved.*

(c) *Authority to require additional sidewalks.* The plan commission has the authority to require sidewalks for the safety of pedestrians in areas surrounding schools and other public buildings.

(d) *Payment of costs.* Sidewalks shall be constructed and paid for by the subdivision developer at the time of street construction, or the developer may choose to escrow funds to the city. Should the developer choose to escrow funds with the city, the city shall have the sidewalk installed when the plat reaches 50 percent buildout or within 18 months from the start of construction or total buildout, whichever comes first. The amount of required escrowed funds shall be derived from two separate bids from qualified contractors for installing the sidewalk 18 months into the future. Any amount remaining in the escrow account in excess of construction costs shall be refunded to the developer. If these construction costs exceed the amount in the account, that additional amount shall be paid by the developer.

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<sup>4</sup> **Cross references:** Streets, sidewalks and public places, ch. 106.

(e) *Reserved.*

(f) *Culs-de-sac.* Sidewalks on culs-de-sac shall be constructed from the street corner to the beginning of the cul-de-sac bulb.

(g) *Construction specification.* Detailed specifications for sidewalk construction will be established by the city engineer. Unless the city engineer specifies otherwise, the general standards shall be as follows:

1. Five feet in width, except that if a block face has existing sidewalk that is less than five feet in width the new sidewalk on such a block face may match the width of the existing sidewalk, or as specified in the Construction Standards and Policies Manual.
2. At least four inches in depth, or as specified in the Construction Standards and Policies Manual.
3. Perpendicular curb ramps must be constructed at street intersections, or as specified in the Construction Standards and Policies Manual.
4. Drive apron, including the sidewalk sections behind the drive apron, is at least six inches in depth, or as specified in the Construction Standards and Policies Manual.

(h) *Required in commercial and office developments and areas.* For any land division that receives preliminary approval after March 31, 2006, sidewalk is required on the entire width of the side of each lot that faces the street if the lot is located in the local business district (B-1), central business district (B-2), community business district (B-3), regional business district (B-4), or planned office district (O-1). In the case of a corner lot, sidewalk is required on the entire widths of both sides of the lot that face the street, unless the plan commission allows sidewalk on only one side. Nothing in this section shall preclude the city from installing sidewalks in land divisions that received preliminary approval before April 1, 2006, nor shall the city be precluded from levying special assessments on benefited properties for the installation of sidewalks in such land divisions.

(i) *Required in industrial developments and areas.* Sidewalks are required on the entire length of the side of each lot that faces the street if the land use is listed as commercial, as per Sec.130-302. Sidewalks may be required for industrial uses if the plan commission deems it necessary for safety and mobility of pedestrians.

(Code 1986, § 18.10(8), Ord. 2005-27, Ord. 2005-37, Ord. 2014-02, Ord. 2016-03)

## **Sec. 110-161. Erosion control.<sup>5</sup>**

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<sup>5</sup> **Cross references:** Environment, ch. 46.

The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the subdivider or the contractors. Such measures shall include but not be limited to seeding, sodding, mulching, watering, ponding and the construction of berms. The subdivider shall submit an erosion control plan to the plan commission along with the construction drawings. The erosion control plan shall address the standards and requirements found in the Rock County Drainage and Erosion Control Guidelines, February 1982. (Code 1986, § 18.10(9))

**Sec. 110-162. Intra-block drainage.**

(a) *Drainage plan.* Two weeks prior to submittal of the final plat for review and approval, the subdivider shall submit to the city engineer a surface water drainage plan for the plat. The plan shall indicate, but not be limited to, the elevation of streets, existing topography of the block, proposed drainage swales and indication of the direction of drainage.

(b) *Notation on final plat.* Upon approval of the plan, the developer shall place on the final plat arrows to indicate the direction of drainage swales required for intra-block drainage and the following note: "Arrows indicate direction of drainage swale construction during grading and such swales shall be maintained by the lot owner, unless modified with approval of the City Engineer."

(c) *Easements.* A minimum ten-foot-wide drainage easement (five feet on each side of the property line) shall be retained along all joint property lines on the plat. Such easement shall be designated as a stormwater drainage easement and shall conform to the drainage plan.

(d) *High groundwater areas.* Where a subdivider's subsoil investigation indicates potential for groundwater less than ten feet from the proposed street centerline elevation, the subdivider shall so note on the face of the plat and indicate the lots affected. (Code 1986, § 18.10(10))

**Sec. 110-163. Regional stormwater management.<sup>6</sup>**

Section deleted and replaced by Chapter 104, Stormwater Management.

(Code 1986, § 18.10(11), Ord. 2005-27)

Secs. 110-164--110-190. Reserved.

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<sup>6</sup> **Cross reference:** Chapter 104, Stormwater Management.

## **ARTICLE V. REQUIRED IMPROVEMENTS AND DEDICATIONS**

### **Sec. 110-191. Adequate public facilities required.**

A preliminary or final plat or certified survey map shall not be approved unless adequate public facilities as described in section 110-193 are available to meet the needs of the proposed development or sufficient funds are provided in the current municipal budget to meet such needs. Where one or more public facilities or services are not adequate for the proposed development, but a portion of the area can be served adequately by careful phasing, only such portions as will be adequately served shall be approved.

(Code 1986, § 18.05)

### **Sec. 110-192. Dedications and reservations of land.**

(a) *Streets and easements.* All or part of a street, highway, greenway, parkway, watercourse or drainage or utility easement designated in the comprehensive plan or official map or as required by the city council shall be platted or mapped and dedicated in the location and width indicated.

(b) *Public sites and open space.*

(1) When designated on the comprehensive plan or official map or otherwise where such locations would be appropriate, the plan commission shall require the subdivider/developer to dedicate to the public sufficient land area to provide adequate park, playground, recreation area and open space in whole or in part within the proposed land division.

(2) The minimum dedication for a single-family dwelling shall be 2,000 square feet for each proposed residential dwelling unit within the development or subdivision. In multifamily or high density residential developments, the minimum dedication shall be 1,000 square feet for each proposed residential dwelling unit, and the plan commission shall be authorized to determine additional acreage for dedication based on the number of dwelling units planned to occupy the site or permitted by chapter 130.

(3) Each dedication shall be of suitable size, dimension, topography and general character and shall have a minimum of a 20-foot-wide service access. The area shall be shown and marked on the plat, "Dedicated to the Public for Park and/or Recreation Purposes." The developer shall dedicate all such recreation areas to the local government as a condition of the final subdivision plat approval. Land dedicated for park and recreation purposes shall not be used to fulfill any land dedication or moneys in lieu of requirements for stormwater management. The area dedicated shall be seeded according to city specifications.

(4) The plan commission shall not require land or moneys in lieu of land to be dedicated to a public agency for park and recreation purposes where there is an existing residential dwelling.

(5) In general, land dedicated for recreation purposes shall have an area of at least two acres. The plan commission may require that the dedication be located at a suitable place on the edge of

the subdivision so that additional land may be added at such time as the adjacent land is subdivided.

(6) When the plan commission determines that the dedication of land would not be consistent with the comprehensive plan or the amount of land available for dedication is less than what is required, the developer shall pay a fee in lieu of land dedication proportional to the need for acquisition or initial improvement of land for public parks. For a single-family development, the sum as established by the council from time to time by resolution, and on a multifamily or high density development the sum as established by the council from time to time by resolution, shall be paid by the developer to the city clerk prior to final approval, less any credit for the amount of land actually dedicated, if any. All moneys received by the city under this subsection shall be placed in a nonlapsing fund to provide for the acquisition or initial improvement of land for public parks and for no other purpose. Thereafter, the plan commission shall annually recommend to the common council a resolution to adjust the moneys in lieu of land fee each year, and such fee will be in effect until adjusted in a following year.

(7) The city council may reduce the fee or area dedication requirements pursuant to section 110-51 if it finds that such requirements are discriminatory or create a hardship as approved to the particular development.

(c) *Alterations after plat approval.* Once a final plat or certified survey map is approved, land proposed for public use shall not be altered without approval of the city council.

(Code 1986, § 18.06, Ord. 2006-5, Ord. 2008-03)

#### **Sec. 110-193. Public improvements.**

(a) *Streets and utilities.* Before a final plat of a subdivision located within the city is approved for recording, the subdivider or developer shall either install the following facilities in accordance with construction plans approved by the city engineer or file with the city clerk-treasurer a surety bond guaranteeing installations of such utilities within the time required by the council or, if the council has not set a deadline for the installation of such utilities, an irrevocable letter of credit for the value of such utilities:

(1) Sanitary sewer collector lines, laterals to lot lines, manholes, force mains, lift stations, if required, and appurtenances.

(2) Water mains, valves, hydrants, water services and appurtenances.

(3) Storm sewer lines, manholes, catchbasins, catchbasin leads and appurtenances.

(4) Streets as shown on the functional classification established by the city's comprehensive plan, fully constructed and surfaced as required by construction plans approved by the city engineer, including, but not limited to, curbs, gutters and sidewalks if required.

(5) Off-road, off-sidewalk paved bicycle/pedestrian paths if the city's comprehensive plan shows such a path crossing through the territory of the subdivision.

(6) Streetlights.

(7) Other public improvements when deemed necessary by the city council upon recommendation of the plan commission.

(b) *Monuments.* All subdivision plats shall be monumented as required by Wis. Stats. § 236.15. All certified survey maps shall comply with Wis. Stats. § 236.34.

(c) *Street trees.* The subdivider or developer shall require all purchasers of lots to plant at least one street tree in the terrace of each lot of a variety and caliper size approved by the City's superintendent of municipal services in the fall or spring immediately following completion of the house on each lot and shall plant any and all street trees required by this paragraph if any purchasers of lots fail to do so in a timely fashion.

(Code 1986, § 18.07, Ord. 2005-27, Ord. 2014-02)

**Sec. 110-194. Issuance of building permits prior to completion of improvements.**

The plan commission may authorize the issuance of building permits prior to the completion, inspection and acceptance of all required improvements where:

(1) All fees and assessments imposed or levied pursuant to this chapter have been paid.

(2) All outstanding charges due against the lands for local sewers, interceptors, force mains and lift stations previously installed by the city have been paid.

(3) The building is situated within 500 feet of a fire hydrant having a minimum flow of 500 gpm at 20 psi residual pressure, provided that this requirement shall not apply in areas which are not served by a public water supply system. The plan commission may waive this requirement if the builder/owner agrees to hold the city harmless for fire protection until such time that the developer has completed and placed into operation the water distribution system.

(4) Curb and gutter has been installed on the street on which the lot has frontage and the subdivider or developer or his contractor provides and maintains temporary roads sufficient to permit access by emergency vehicles.

(5) The subdivider provides and maintains barricades and takes such other precautions as may be necessary to restrict entry to authorized emergency vehicles and to the vehicles and equipment of contractors, materialmen and workers actually engaged in or supplying materials for construction of improvements within the subdivision or comprehensive development.

(6) The contract entered pursuant to section 110-32:

a. Contains a provision whereby the subdivider agrees to indemnify and save the city harmless from any and all claims, actions, demands or judgments for personal injuries or property damages, together with the actual expenses incurred in connection therewith, arising out of or in any way related to the issuance of such building permits, construction within the subdivision, or

access to or egress from the subdivision, including any such claim, action, demand or judgment premised upon the negligence of the city or any of its officers, agents, servants or employees.

b. Has been recorded in the office of the register of deeds for the county.

(Code 1986, § 18.23, Ord. 2005-27)

Secs. 110-195--110-220. Reserved.

## **ARTICLE VI. ENVIRONMENTAL CONSIDERATIONS\***

### **Sec. 110-221. Land unsuitable for development.**

No land shall be divided which is unsuitable for development of the proposed use by reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, inconsistency with the city master plan or any other condition likely to be harmful to the health, safety or welfare of present or future residents or users of the area or the community, unless the developer agrees to limit the land to a use acceptable to the city council and such agreement is recorded by separate instrument or noted on the face of the map or plat.

(Code 1986, § 18.25)

### **Sec. 110-222. Environmental assessment.**

(a) *Purpose.* An environmental assessment facilitates orderly, systematic review of the effects of a new land division upon the community environment in accordance with the principles and procedures of Wis. Stats. § 236.45(1). The goals of the city in requiring this assessment are to eliminate or reduce pollution and siltation to an acceptable standard, ensure ample living space, preserve open space and parks for recreation, preserve prime agricultural lands, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of its citizens, provide for the effective and efficient flow of goods and services and provide for development that is consistent with the city master plan.

(b) *Applicability.* An environmental assessment checklist is required for all proposed subdivision plats, condominium plats or certified survey maps. The plan commission may require a complete or partial environmental assessment if it determines the public interest requires a more comprehensive review.

(c) *Submission of checklist.* At the time of submission of the preliminary application, the developer shall complete and submit the environmental assessment checklist furnished by the city.

(d) *Review of checklist.* The plan commission shall review the environmental assessment checklist and may require supporting or additional data and department or committee reviews necessary to determine the suitability of the land for the proposed development.

(e) *Finding by plan commission.* Before recommending approval of a plat or map of a land division, the plan commission shall make a finding that the proposed land division is environmentally sound and will meet the goals enumerated in subsection (a) of this section. (Code 1986, § 18.26)

Secs. 110-223--110-229. Reserved.

## **Article VII. Land Divisions in the City's Long-Range Growth Boundary**

### **Sec. 110-230. Land Divisions in the City's Long-Range Growth Boundary**

All land divisions within the City's Long-Range Growth Boundary, as delineated in the *City of Evansville Comprehensive Plan*, must be connected to the City's public sanitary sewers and public water supply. The Plan Commission may grant exceptions to this requirement for the following types of land divisions:

- 1) Land divisions of agriculturally-zoned property, which create a new lot for an existing residential structure, providing the remaining parcel after the land division is no smaller than 35 acres.
- 2) Land divisions for the purpose of property line adjustments that do not create new buildable lots.
- 3) Land divisions creating no more than 5 lots with a minimum lot size of 10 acres. For all land divisions allowed under this exception, the subdivider must provide a preliminary plat or map for future replatting at higher density and connection to City public sanitary sewer and public water supply at the time that such public utilities are extended to the property. Such preliminary plat or map must be approved by the City Engineer. No more than one land division created under this option may be created in a 20 year period from an original parcel or from contiguous parcels owned by the same land owner.
- 4) Cluster land divisions creating no more than 7 lots averaging less than two acres per lot where the lots are contiguous and at least 10 acres per lot of undivided and undeveloped land is reserved for future development on City public sanitary sewer and public water supply. For all land divisions allowed under this exception, the subdivider must provide a preliminary plat or map for future replatting at higher density and connection to public sanitary sewer and public water supply at the time that such public utilities are extended to the property. Such preliminary plat or map must be approved by the City Engineer. No more than one land division created under this option may be created in a 20 year period from an original parcel or from contiguous parcels owned by the same land owner.

[Ord. 2011-05]